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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/051,951
Filing Date: January 17, 2002
Appellant(s): HIND ET AL.

Esther H Chong
Registration No.:40,953
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 31 January 2008 appealing from the Office action mailed 27 December 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 3-23, 25-27, 30-50, 52-54, 56-57, 59-78, 80-84, and 88-93 have been rejected.

Claims 1-2, 24, 28-29, 51, 55, 58, 79, and 85-87 have been canceled.

This appeal involves claims 3-23, 25-27, 30-50, 52-54, 56-57, 59-78, 80-84, and 88-93.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

| | | |
|---|---|---|
| 5,710,884 | Dedrick | 1-1998 |
| 2002/0133500 | Arlein et al. | 9-2002 |
| 5,638,448 | Nguyen | 6-1997 |
| 6,546,002 | Kim | 4-2003 |
| 5,901,287 | Bull et al. | 5-1999 |
| 6,505,230 | Mohan et al. | 1-2003 |
| 2002/01845527 | Chun et al. | 12-2002 |
| 6,636,246 | Nagahara et al. | 10-2003 |
| 2002/0077842 | Charisius et al. | 6-2002 |
| 6,728,884 | Lim | 4-2004 |
| 2003/0050930 | Mosher et al. | 5-2003 |

"New Security Standard from the Open Group Brings the Realization of High-Value E-Comerce for Everyone a Step Further", www.opengroup.org, 1/6/1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

(A) Claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1)

As to claim 94, Dedrick teaches a method of managing meta data using a central repository at a central repository subsystem, the central repository being accessible by a computing device through a communications network, the method comprising the steps of:

connecting to the central repository through the communications network based on a user input (see column 20, lines 4-21);

updating a local repository of the computing device with at least one segment fi'om the central repository that is associated with the user to produce a meta data collection associated with the user (see column 20, lines 22-29); and

utilizing, by the computing device, the meta data collection during a current user session at the computing device to assist the user in using the computing device (see column 7, line 40 through column 8, line 22),

wherein the utilizing step comprises retrieving, from the meta data collection, meta data that would be most appropriate for each of different contexts of using the computing device (see column 7, line 40 through column 8, line 22).

Dedrick does not distinctly disclose meta data that would be most appropriate for each of different contexts of using the computing device based on at least a current role of the user.

Arlein et al. teaches this, see paragraph 0009 and see paragraph 0032. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick to include the teachings of Arlein et al. because these teachings would customize the content of the user based on the user's activities while preserving privacy of the user's differing roles.

As to claim 96, Dedrick teaches a computer program product embodied on computer readable medium readable by at least one of a computing device and a central repository subsystem, for managing meta data using a central repository at the central repository subsystem, the central repository being accessible by the computing device through a communication network, the computer program product comprising:

computer executable code configured to connect, through the communications network, to the central repository based on a user input (see column 20, lines 4-21);

computer executable code configured to update a local repository of the computing device with at least one segment from the central repository that is associated with the user to produce a meta data collection associated with the user (see column 20, lines 22-29); and

computer executable code configured to utilize, by the computing device, the meta data collection during a current user session at the computing device to assist the user in using the computing device (see column 7, line 40 through column 8, line 22),

wherein the computer executable code configured to utilize comprises computer executable code configured to retrieve, from the meta data collection, meta data that would be most appropriate for each of different contexts of using the computing device (see column 7, line 40 through column 8, line 22).

Dedrick does not teach meta data that would be most appropriate for each of different contexts of using the computing device, based on at least a current role of the user.

Arlein et al. teaches this, see paragraph 0009 and see paragraph 0032. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick to include the teachings of Arlein et al. because these teachings would customize the content of the user based on the user's activities while preserving privacy of the user's differing roles.

As to claim 98, Dedrick teaches a system for managing meta data in a secure manner, the system comprising:

a central repository subsystem comprising a central repository for storing a plurality of segments associated with a user in a collection order (see column 9, lines 57-65); and

at least one computing device capable of communicating with the central repository subsystem through a communications network, the computing device comprising a local

repository and being capable of connecting, through the communications network, to the central repository based on a user input (see column 20, lines 4-21), updating the local repository with at least one of the segments from the central repository to produce a meta data collection associated with the user (see column 20, lines 22-29), and utilizing the meta data collection during a current user session at the computing device to assist the user in using the computing device (see column 7, line 40 through column 8, line 22),

wherein the computing device retrieves, from the meta data collection, meta data that would be most appropriate for each of different contexts of using the computing device, based on at least a current role of the user (see column 7, line 40 through column 8, line 22).

As to claims 3, 30, and 57, Dedrick as modified, teaches further comprising the step of:

incrementally uploading any new meta data generated during the current user session from the computing device to the central repository (see Dedrick, column 20, lines 26-29).

As to claims 4, 31, and 59, Dedrick as modified, teaches wherein the connecting step comprises:

receiving, by the central repository subsystem, authentication information from the user (see Dedrick, column 20, lines 10-15);

verifying validity of the authentication information (see Dedrick, column 20, lines 14-17); and

notifying the computing device that the user has proper authority to access the central repository if the authentication information is verified as valid (see column 20, lines 20-24).

As to claims 10, 37, and 65, Dedrick as modified, teaches wherein the retrieving step is performed using heuristics algorithms (see Dedrick, column 7, line 40 through column 8, line 12); and the utilizing step further comprises applying the retrieved meta data in each of the different contexts (see Dedrick, column 7, lines 40-52).

As to claims 11, 38, and 66, Dedrick as modified, teaches wherein the current context comprises at least one of the following:

opening a web page, filling in a computer form, filling in a password-changing form, providing a certificate, opening a computer file, processing a computer file, or executing an application program (see Dedrick, column 7, line 40 through column 8, line 23).

As to claims 17, 44, and 72, Dedrick as modified, teaches wherein the current context is for filling in a computer form, and the applying step comprises:

automatically filling in the computer form with said most appropriate meta data (see Dedrick, column 8, lines 13-22).

As to claims 20, 47, and 75, Dedrick as modified, teaches wherein the utilizing step comprises:

formulating search requirements based on a current context of using the computing device; and executing a search based on the search requirements using heuristics algorithms (see Dedrick, column 7, line 9 through column 8, line 31).

As to claims 21, 48, and 76, Dedrick as modified, teaches wherein the search requirements specify weighted properties of the current context of using the computing device (see Dedrick, column 7, line 9 through column 8, line 31).

As to claims 22, 49, and 77, Dedrick as modified, teaches further comprising the step of:

providing a graphical user interface (GUI) (or a meta data editor) for allowing the user to organize the meta data collection (see Dedrick, column 7, lines 53-64 and see column 8, lines 23-31).

As to claim 56, Dedrick as modified, teaches wherein the computer device uploads any new segment to the central repository at a predetermined time (see Dedrick, column 20, lines 26-29).

As to claim 83, Dedrick as modified, teaches wherein at least one of the central repository and the local repository is implemented using a network-attached storage (see Dedrick, column 3, lines 7-49).

As to claims 91- 93, Dedrick as modified, teaches wherein the meta data collection stored in the local repository of the computing device at the user's side (see Dedrick, figure 2, reference number 27). Although Dedrick does not distinctly disclose that the meta data collection includes a plurality of meta data groups, each of the meta data groups corresponding to one of a plurality

of roles of the user Dedrick as modified above according to the teachings of Arlein et al. teaches this see Arlein et al. paragraphs 0009 and 0032.

As to claim 95, Dedick as modified, teaches further comprising the step of: updating any new segment from the computing device to the central repository at a predetermined time (see Dedrick column 20, lines 26-29).

As to claim 97, the applicant is directed to the citations in the rejection of claim 95 above.

(B) Claims 5-6, 25, 32-33, 52, 60-61, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of Arlein et al. as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Nguyen (U.S. patent No. 5,638,448).

As to claims 5, 32, and 60, Dedrick as modified, does not distinctly disclose wherein the authentication information comprises user identification, a pass phrase of the user, and an identifier for the central repository or a component at the central repository subsystem.

Nguyen teaches this, see column 16, lines 13-33. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick as modified, to include the teachings of Nguyen because these teachings would prevent the password from being transferred over the network and allow both the client and the server to authenticate each other (see Nguyen, column 16, lines 13-16).

As to claims 6, 33, and 61, Dedrick as modified teaches wherein the verifying stop comprises: determining a secret key represented as a hash of: the received user identification, concatenated with a hash of the received identifier, concatenated with the received pass phrase; and comparing the secret key with a stored key associated with the user (see Nguyen, column 16, lines 13-33).

As to claims 25, 52, and 80, Dedrick as modified, does not distinctly disclose wherein, in the encrypting step, the encryption key is represented as a hash of identifying information associated with the new segment, concatenated with a pass phrase of the user.

Nguyen teaches this, see column 16, lines 13-49. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick to include the teachings of Nguyen because these teachings would prevent unauthorized access to the data using an encryption key that is difficult to predict.

(C) Claims 7-9, 34-36, and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Kim (U.S. patent No. 6,546,002 B1).

As to claims 7, 34, and 62, Dedrick as modified, does not distinctly disclose wherein the updating step comprises:

(a) determining if the local repository is at a null state;

(b) first requesting the central repository subsystem to transmit any segment associated with the user that has not been applied to the computing device if the determining step indicates that the local repository, is not at a null state; and

(c) second requesting the central repository subsystem to transmit all segments associated with the user if the determining step indicates that the local repository is at a null state.

Kim teaches (a), see column 7, lines 38-65; (b), see column 7, lines 52-65; and (c) see column 7, lines 44-51. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick to include the teachings of Kim because these teachings would synchronize data with the server if the profile was already on the client and copy the profile to the client if it was not already there (see Kim, column 7, lines 38-65).

As to claims 8, 35, and 63 Dedrick as modified, teaches wherein the updating step further comprises:

receiving at least one segment from the central repository subsystem in response to said first requesting step (see Kim, column 7, lines 52-65);

decrypting the at least one segment (see Dedrick, column 20, lines 21-29); and

applying the decrypted at least one segment to the meta data collection to produce the meta data collection associated with the user (see Kim, column 7, lines 52-65).

As to claims 9, 36, and 64 Dedrick as modified, teaches wherein the updating step further comprises:

receiving at least one segment from the central repository subsystem in response to said second requesting step (see Kim, column 7, lines 44-51);

decrypting the at least one segment (see Dedrick, column 20, lines 21-29); and

generating the meta data collection for the user using the decrypted at least one segment (see Dedrick, column 20, lines 23-25).

(D) Claims 12-16, 39-43, and 67-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Bull et al. (U.S patent No. 5,901,287).

As to claims 12 and 39 Dedrick as modified, teaches wherein the utilizing stop further comprises: continuously collecting meta data resulting from use of the computing device during the current user session at the computing device (see Dedrick, column 7, lines 40-52).

Dedrick as modified does not distinctly disclose the method further comprises:

(a) generating a new segment based on the collected meta data upon completion of the current user session; and

(b) processing the new segment.

Bull et al. teaches (a) and (b), see column 4, lines 38-32. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified, Dedrick as modified to include the teachings of Bull et al. because these teachings would allow updated information to be available the next time they use the system (see Bull et al., column 4, lines 28-33)

As to claims 13 and 40, Dedrick as modified, teaches wherein the processing step comprises:

updating the meta data collection with the new segment (see Bull et al., column 4, lines 28-33).

As to claims 14 and 41, Dedrick as modified, teaches wherein the meta data comprises application data for being usable in an application executable on the computing device, and context data for identifying context in which said application data are used (see Dedrick, column 7, line 40 through column 8, line 12), and wherein the utilizing step further comprises:

determining statistical information associated with the meta data, the statistical information indicating relationships between the meta data, wherein the retrieving step is performed in part based on the statistical information (see Dedrick, column 7, line 65 through column 8, line 12).

As to claims 15 and 42, Dedrick as modified, teaches wherein the context data identify at least one of the following: user roles, uniform resource identifiers (URIs), file names, and/or form names pertaining to the application data (see Dedrick, column 5, lines 1-16).

As to claims 16 and 43, Dedrick as modified, teaches wherein the application data comprise at least one of the following: page display setting data, file display setting data, user ID/password combinations, field values for computer forms, user's preference data, bookmarks, and certificates (see Dedrick, column 7, lines 40-52).

As to claim 67, the applicant is directed to the rejection of claim 12 above.

As to claim 68, the applicant is directed to the rejection of claim 13 above.

As to claim 69, the applicant is directed to the rejection of claim 14 above.

As to claim 70, the applicant is directed to the rejection of claim 15 above.

As to claim 71, the applicant is directed to the rejection of claim 16 above.

(E) Claims 18, 45, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Mohan et al. U.S. patent No. 6,505,230 B1).

As to claims 18 and 45, Dedrick as modified, does not distinctly disclose wherein, if the current context is for filling in a computer form, the utilizing step further comprises:

(a) retrieving, from the pieta data collection, alternative meta data that are related to the current context of filling in the computer form; and

(b) presenting the alternative meta data to the user for the user's consideration.

Mohan et al. teaches (a) and (b), see column 11, lines 7-13. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified, Dedrick as modified to include the teachings of Mohan et al. because these teachings would allow the user to choose to leave some items blank or to fill in items that are not in the normal user profile without having to delete or fill in items every time a particular form is filled out. (see Mohan et al., column 11, lines 2-6)

(F) Claims 19, 46, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Chun et al. (U.S. patent No. 2002/0184527 A1).

As to claims 19, 46, and 74, Dedrick as modified, does not distinctly disclose wherein the current context is for filling in a password-changing computer form, and the retrieved meta data comprises a user identification and a password, and wherein the applying step comprises: presenting to the user the password in an obfuscated format; determining whether it is safe to present the actual password to the user; and presenting the actual password in a non-obfuscated format when it is determined to be safe to present the actual password.

Chun et al. teaches this (see paragraph 0050). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified, Dedrick

as modified to include the teachings of Chun et al. because these teachings would give the user the ability to change passwords and retrieve forgotten passwords (see Chun et al., paragraph 0050).

(G) Claims 23, 50, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Nagahara et al. (U.S. patent No. 6,636,246 B1).

As to claims 23, 50, and 78, Dedrick as modified, does not distinctly disclose wherein the GUI displays a graphical tool in a cylindrical configuration for organizing the meta data collection.

Nagahara et al. teaches this, see column 5, lines 18-33. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified, Dedrick as modified to include the teachings of Nagahara et al. because these teachings would provide superior operability when making selections from a menu (see Nagahara et al., abstract).

(H) Claims 26, 53, 81, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of "Net Security Standard from the Open Group Brings

the Realization of High-Value E-Commerce for Everyone a Step Further" (herein referred to as Net Security article).

As to claims 26 and 53, Dedrick as modified, does not distinctly disclose wherein the computing device implements a Common Data Security Architecture (CDSA), and the utilizing step is performed -by a CDSA add-on module.

Net Security article teaches this, see page 1, paragraphs 1 and 2. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified, Dedrick as modified to include the teachings of Net Security article because these teachings would standardize the security protocol so it can more easily be implemented into multiple applications (see Net Security article, page 1, paragraph 1).

As to claim 81, the applicant is directed to the rejection of claim 26 above.

As to claim 99, Dedrick as modified, teaches wherein the computing device further comprises:

a plurality of applications selectably executable on the computing device (see column 5, lines 52-67);

a data repository module, provided as an add-in module to the security-service providing architecture, for utilizing the meta data collection to assist the user in using the computing device (see figure 8, step 306); and

an encryption/decryption module for encryption any new segment to be transmitted to the central repository subsystem (see column 6, line 35 through column 7, line 8).

Dedrick does not distinctly disclose a security-service providing architecture structure for selectively providing security-based services to at least one of the plurality of applications.

"Net Security Standard from the Open Group Brings the Realization of High-Value E-Commerce for Everyone a Step Further" teaches this, see page 1, paragraphs 3-5. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dedrick to include the teachings of"Net Security Standard from the Open Group Brings the Realization of High-Value E-Commerce for Everyone a Step Further" because these teachings would standardize the security protocol so it can more easily be implemented into multiple applications (see "Net Security Standard from the Open Group Brings the Realization of High-Value E-Commerce for Everyone a Step Further", page 1, paragraph 1).

(I) Claims 27, 54, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Charisius et al. (U.S. patent publication No. 2002/0077842 A1).

As to claims 27 and 54, Dedrick as modified, does not distinctly disclose wherein the central repository subsystem is implemented using WebDAV protocols.

Charisius et al. teaches this, see paragraph 0010. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified, Dedrick as modified to include the teachings of Charisius et al. because these teachings would allow

multiple users to view the same workflow and project plans, provide persistent storage, monitor the progress of activated project plan, and simultaneously create plans from the same workflow (see Charisius et al., paragraph 0010).

(J) Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Lim (U.S. patent No. 6,728,884 B1).

As to claim 84, Dedrick does not distinctly disclose wherein the data repository module resides on a proxy machine accessible through a predetermined connection means.

Lim teaches this, see column 8, lines 46-58. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick as modified, to include the teachings of Lim because these teachings would grant access to the remote servers through a common API (see Lim, column 7, lines 34-44).

(K) Claim 88-90 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. patent No. 5,710,884) in view of Arlein et al. (U.S. patent No. 2002/0133500 A1) as applied to claims 3-4, 10-11, 17, 20-22, 30-31, 37-38, 44, 47-49, 56-57, 59, 65-66, 72, 75-77, 83, and 88-98 above, and further in view of Mosher, Jr. et al. (U.S. patent application publication No. 2003/0050930 A1).

As to claim 88, Dedrick does not distinctly disclose wherein the uploading step comprises: (a) temporarily locking the local repository; (b) transmitting the encrypted new segment from the computing device to the central repository subsystem for storage in the central repository; and (c) unlocking the local repository.

Mosher, Jr. et al. teaches (a), see paragraph 0010; (b), see paragraph 0014; and (c), see paragraph 0017-0019. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Dedrick to include the teachings of Mosher, Jr. et al. because these teachings would prevent further updates until notification that current records are safely stored to the backup system.

As to claims 89 and 90, the applicant is directed to the citations in the rejection for claim 88 above.

**(10) Response to Argument**

1. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al.

In response to Appellant's arguments that the "combinations of elements and steps set forth in claims 94, 96 and 98 are not disclosed or suggested by the references", the arguments have been considered, but are not deemed persuasive. Appellant takes issue with the fact that the examiner uses the Arlein et al. reference to teach "meta data that would be most appropriate for each of different contexts of using the computing device based on at least a current role of the user".

Appellant admits that Arlein et al. "discloses the user has the ability to have multiple personae stored in a profile database" (See Appellant's brief, page 13, last paragraph). However,

Appellant appears to feel that it is impossible to use the profiles of Arlein et al. with the Dedrick et al. reference because Arlein et al. "the computer device *of the user* does not obtain the persona profile itself because it is the merchant server, not the computer device of the user, that uses the persona profile of the user."

Contrary to Appellant's assertions, the examiner does not rely on Arlein et al. to disclose retrieving meta data that would be most appropriate for each of different contexts of using the computing device or supplying that data to the merchant server, as this is fully disclosed by the Dedrick reference. For instance Dedrick teaches retrieving data from the user profile and using the user data to select consumption format to be video (see column 7, lines 43-47); customize colors (see column 7, lines 49-52); and provide user information to merchant servers (see column 8, lines 17-20). In each of these contexts different data is being retrieved to assist the user in using the computing device.

Arlein et al is used to disclose the meta data that would be most appropriate for each of different contexts of using the computing device is *based on at least a current role of the user*. This is because Dedrick does not contemplate users using the same profile for different roles (i.e., job, entertainment, school, ect.).

Arlein discloses using customized profile to assist the user in some of the same contexts as Dedrick and basing what meta data is used on the current role of the user. For instance both Dedrick and Arlein contemplate using the data to provide the user with customized merchant data so that the user can more easily browse desired content (see Dedrick, column 1, lines 45-47, "It would therefore be beneficial to provide a system which would allow an advertiser to

generate and transmit electronic advertisements to end users" and Arlein, paragraph 0009, "a merchant can customize content for a user based on the user's activities").

Appellant states that "the reason for having the persona database 208 remote from the user's computer or even the persona server is to provide and protect the privacy of the user". Appellant feels that it is unreasonable that the profile of Arlein et al. could ever be located local to the user. While some of the privacy concerns of the users and merchants may be sacrificed by storing the profiles locally, this does not change the fact that these profiles could be stored locally so that content can be customized for the user based on the user's current role. Further, Arlein et al. contemplates that even if profiles are stored remotely and the user is able to select different persona at different times, merchants may start to associate IP addresses with persona. Therefore, Arlein et al. suggests a solution to this problem. "Because it is intrinsically difficult to prevent the correlation of two personae of the same user at a single site ... by default, the invention allows a merchant to read the profile of only one persona per user." See Arlein et al., paragraph 0034.

It is noted that the Arlein et al. reference is being used to identify that the problem of the user taking on multiple roles was known in the art at the time of the invention and that a solution to this problem was known, allow the user to select his current role or persona. See Arlein et al. paragraphs 0032 and 0035. The locations of the profiles being local are taught by the Dedrick reference and therefore it is not necessary for Arlein et al to teach the location.

The solution to the problem of the user wanting customized content based on the current role is obvious to one of ordinary skill in the art at the time of the invention once the problem was realized. Arlein et al. discloses that this problem was already known and discloses the

solution to this problem (have multiple persona). "[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified. This is part of the subject matter as a whole' which should always be considered in determining the obviousness of an invention under 35 U.S.C. § 103." In re Sponnoble, 405 F.2d 578, 585, 160 USPQ 237, 243 (CCPA 1969). See MPEP §2141.02 III. Arlein et al. shows that the applicant is not the first to address this problem nor the first to come up with the solution for it.

2. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Nguyen

Appellant does not raise any new arguments in this section.

3. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and further in view of Kim

Appellant does not raise any new arguments in this section.

4. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Bull et al.

Appellant does not raise any new arguments in this section.

5. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Mohan et al.

Appellant does not raise any new arguments in this section.

6. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Chun et al.

Appellant does not raise any new arguments in this section.

7. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Nagahara et al.

Appellant does not raise any new arguments in this section.

8. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and further in view of Net Security Standard article

Appellant does not raise any new arguments in this section.

9. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Charisius et al.

Appellant does not raise any new arguments in this section.

10. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and the Net Security Standard article, and further in view of Lim.

Appellant does not raise any new arguments in this section.

11. Rejection Under 35 USC §103(a) over Dedrick, in view of Arlein et al., and in further view of Mosher, Jr. et al.

Appellant does not raise any new arguments in this section.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jacob F. Betit/

Examiner, Art Unit 2164

Conferees:

An appeal conference was held on 11 March 2008 and it was agreed to proceed to the bard of appeals.

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

/Eddie C. Lee/

Supervisory Patent Examiner, TC 2100